

6. (Amended) The parasite of claim 1 [2] wherein said GM-CSF gene is of human origin.

7. (Amended) The parasite of claim 1 [2] wherein said GM-CSF gene is expressed using the  $\alpha$ -tubulin intergenic sequences of *Leishmania enrietti*.

Add new claim 21 as follows:

21. (New) A macrophage infecting parasite which is a strain of *Leishmania* selected from the group consisting of *Leishmania donovani* and *Leishmania major* and which has been transformed by a plasmid vector selected from the group consisting of pneo-mGM CSF and pneo-hGM CSF and which expresses a granulocyte macrophage colony stimulating factor (GM-CSF).

#### REMARKS

Petition is hereby made under the provisions of 37 CFR 1.136(a) for an extension of three months of the period for response to the outstanding Office Action on this case. The enclosed cheque includes the prescribed fees.

The Examiner withdrew claims 17 to 20 from consideration as being a non-elected invention. Claims 17 to 20 now have been deleted from this application without prejudice to the applicant's right to file a division or continuation application directed thereto.

The Examiner rejected claim 12 under 35 USC 112, second paragraph, as being indefinite, on the basis that the term "said infection" lacks antecedent basis. Claims 11 to 20 have been deleted, thereby rendering the rejection moot.

The Examiner rejected claims 1 to 6 and 11 to 16 under 35 USC 112, first paragraph, on the basis that the specification, while enabling for plasmids pneo-mGM CSF and pneo-hGM CSF and parasites *Leishmania donovani* and *Leishmania major*, does not provide enablement for a broadly claimed macrophage infecting parasite, genus *Leishmania* expressing a GM-CSF gene. The Examiner suggested that the claims be directed to the constructs of Figure 1.

The Examiner's comments with respect to claims 11 to 16 are rendered moot by deletion of such claims. Such deletion should not be considered by the Examiner as acquiescence to the position taken by the Examiner. In addition, the deletion is made without prejudice to the applicant's right to pursue such claims in a related application.

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